

AMENDMENTS TO THE DRAWINGS

In response to the objections to the drawings, new drawing sheets, including the caption, "Replacement Sheet" are included herewith.

Attachment: Replacement Sheets 1-18

REMARKS

This is in response to the Office Action of August 5, 2005. A Petition for a 3-month extension of time accompanies this response.

In the Office Action, the following objections were made:

(1) The Information Disclosure Statement was objected to for failing to comply with 37 CFR 1.98(a)(2) which requires a legible copy of each cited foreign patent document or non-patent literature publication. Specifically, the submitted Gruverman reference was objected to because the text of the reference was cut off at the right margin.

(2) A new oath/declaration was required because the residence of inventor, Joseph Chung Tak Wong, had been amended.

(3) The drawings were objected to as not being properly labeled as "Replacement Sheets."

(4) The specification was objected to because the trademark "EMULSIFLEX®" was not capitalized and did not use the trademark symbol.

(5) Claim 7 was objected to for informal reasons.

In the Office Action, the following rejections were made:

(1) claims 1-7 were rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant

regards as the invention. Specifically, claims 1, 2 and 5 were deemed unclear because of the limitation "mixing of at least some of the particles in the first and second streams" was considered unclear as to whether this meant that the particles suspended in the first fluid stream are mixed into the second fluid stream or if particles from a second source were mixed into a first and second fluid streams.

Claim 3 was also deemed unclear and rejected because of the limitation "mixing of at least some of the particles in the first stream" was considered unclear as to whether this limitation means that the particles are already described as being suspended in the first fluid stream.

Claim 7 was also rejected for not providing sufficient antecedent support for the phrase "mixing of the solution of the solvent streams."

(2) Claims 1-4 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,221,332 to Thumm.

(3) Claims 5 and 7 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,314,506 to Midler.

(4) Claims 5-7 were rejected under 35 USC 103 as being obvious over the product sheet to BEEI in view of Midler.

(5) Finally, claims 5-7 were rejected under 35 USC 103 as being unpatentable over Midler in view of U.S. Patent No. 3,685,261 to McIlvaine.

Applicants respond to the objections and rejections as follows:

OBJECTIONS TO THE INFORMATION DISCLOSURE STATEMENT

With respect to the objection to the Information Disclosure Statement, a Supplemental Information Disclosure Statement is enclosed herewith. The Supplemental Information Disclosure Statement cites the previously cited Gruverman reference and includes a legible copy of the same. Additional art is also cited in the Supplemental Information Disclosure Statement.

OBJECTION TO THE DECLARATION

A new Declaration signed by all of the inventors is included herewith.

OBJECTIONS TO THE DRAWINGS

The drawings (Sheets 1-18) for this application are being resubmitted with the appropriate "Replacement Sheet" caption.

OBJECTIONS TO THE SPECIFICATION

Paragraph [0081] is being replaced. New replacement paragraph [0081] includes the term EMULSIFLEX® in all capital letters with the registered trademark symbol.

OBJECTIONS TO CLAIM 7

Claim 7 has been amended to overcome the Examiner's objections by replacing "a" with an.

REJECTIONS UNDER §112, SECOND PARAGRAPH

With respect to the rejections of Claims 1, 2 and 5 under §112, second paragraph on the ground that the phrase "mixing of at least some of the particles in the first and second streams" was unclear, Applicants respectfully traverse this rejection. Applicants submit that the words are clear on their face and that no ambiguity exists. As for the Examiner's proposed two alternative claim interpretations, Applicants respectfully submit that either interpretation unduly and unnecessarily limit the claims. Applicants, at present, see no reason why the claims must be limited to one or the other of the proposed interpretations. Applicants request reconsideration of this rejection, particularly in view of the claims, as amended.

With respect to the rejections of Claim 3 under §112, second paragraph, Applicants likewise traverse this rejection and submit that the phrase "mixing of at least some of the particles in the first stream" is clear on its face. Reconsideration of this rejection is requested.

As for the rejection of Claim 7, that claim has been amended to overcome the rejection.

REJECTIONS UNDER §102, §103

With respect to the rejections based on prior art, Claim 1 has been amended to recite a method for modifying a particle suspension including the steps of moving a suspension of solid particles in a first fluid stream and redirecting the fluid to flow in a second fluid stream. Claim 3 has been amended to recite the step of altering the flow path of the first fluid stream or second fluid stream while claim 5 has also been amended to redirecting the suspension to flow in a second fluid stream.

Applicants respectfully submit that the claims as amended, are not anticipated by the Thumm patent. Thumm discloses a dual stream high pressure continuous chemical mixer/reactor. Flow through the mixer is regulated until the streams meet in a reaction chamber from which a product emerges through discharge means into a storage container. Thumm makes no mention of moving and/or redirecting the streams to cause shearing between the streams and mixing of at least some of the particles in the first and second streams. For this reason alone, Applicants respectfully submit that claims 1-4 are not anticipated by Thumm.

With respect to the rejections of claims 5-7, Midler is directed to a process that uses jets to create impinging fluid

jet streams and provide for high-intensity micro-mixing of fluids prior to nucleation in a crystallization process. The two jet streams are described as being diametrically opposed to each other or close to a 180° angle to each other. The jet streams impinge and micro-mix directly in the stirred vessel. Midler speaks of impinging and micro-mixing two fluid streams. Midler does not, however, disclose or suggest a mixing of two fluid streams whereby the streams are oriented and positioned with respect to each other such that shearing between the streams and mixing of at least some of the particles occurs. For this reason, applicants submit that Midler does not anticipate claims 5-7.

Nor would it have been obvious to combine Midler with the BEEI reference as suggested by the Examiner. The BEEI reference describe an apparatus that provides for countercurrent flow of two fluid streams. However, as recognized by the Examiner, BEEI does not disclose that the first fluid is a solution of an organic compound.

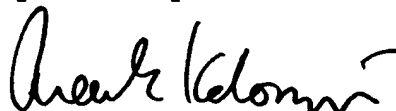
As set forth above, Midler discloses a method of producing a particle suspension that relies upon impinging jets of a solution for micro-mixing. As noted above, Midler does not suggest or disclose shearing. For this reason, one of ordinary

skill would not have been motivated to combine the teachings of Midler with the device shown in the BEEI reference.

Finally, as for the reference to McIlvaine, it discloses a wet scrubber for contaminated gas. McIlvaine is not directed to methods for modifying particle suspensions. Thus, it is not analogous art to either Midler or the subject matter of the present application. Moreover, like Midler, McIlvaine does not disclose or suggest shearing between fluid streams. Thus, even if one were motivated to make the proposed combination, it would still not result in the invention of Claims 5-7.

Applicants submit that the claims are now in condition for allowance. Reconsideration and allowance of the claims are respectfully requested.

Respectfully submitted,



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